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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,781	09/30/2003	Christopher K. Karstens	RSW920030085US1	4452

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

NOTIFICATION DATE	DELIVERY MODE
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08/28/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

Office Action Summary	Application No.	Applicant(s)	
	10/674,781	KARSTENS, CHRISTOPHER K.	
	Examiner	Art Unit	
	DOUGLAS B. BLAIR	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,8 and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3, and 8 is/are allowed.
- 6) ☒ Claim(s) 41-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

Claims 1, 3, and 8 were amended. Claims 2, 4-7, and 9-40 are cancelled. Claims 41-46 have been added.

Response to Arguments

Applicant's arguments, see Remarks, filed 6/20/2008, with respect to claims 1, 3, and 8 have been fully considered and are persuasive. The rejection of claims 1, 3 and 8 has been withdrawn.

Applicant's arguments with respect to claims 41-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 41, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 41, and 44 recite the limitation "the particular one". There is insufficient antecedent basis for this limitation in the claim. The claims discuss a particular "user" but not a particular "one".

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Claim Objections

Claims 1, 41, and 44 are objected to because of the following informalities: claims 1, 41, and 44 all recite limitations featuring "the selected one" where the applicant is really trying to specify a "selected user". The applicant should amend the claims to the "selected user" in order to remove any ambiguity from the claim language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41-46 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 7,139,806 to Hayes et al.

As to claims 41 and 44, Hayes teaches a computer-implemented method of managing user information in an instant messaging ("IM") system, comprising: using a data structure to record IM activity on behalf of a particular user of the IM system (**col. 7, line 13, the user settings 210 are the data structure**), wherein: the data structure comprises a plurality of entries, each of the entries corresponding to a selected one of a plurality of other IM users remembered, by the IM system, on behalf of an IM client of the particular user (**col. 7, lines 13-33, the messaging user is the particular user and each contact is a "selected one" of the IM users**); and each of the entries comprises: an identifier of the selected one of the plurality of remembered

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IM users to which the entry corresponds (**col. 7, lines 13-33**); a first date indicating when the particular user last sent an instant message to the selected one (**col. 8, lines 1-48**); a first time period indicating a first inactivity period allowed before the particular one wants the selected one to be treated as expired, the first inactivity period corresponding to inactivity on outbound/inbound instant messages sent from the particular one to the selected one (**col. 8, lines 1-48, the threshold is different for each contact(person). The action of contacting disclosed by Hayes covers both the claimed inbound and outbound messages. Claims 41 and 44 are not claimed as being exclusive to only outbound and inbound messages, respectively**); and a current expiration status of the selected one (**col. 7, lines 13-33**); upon sending an instant message from the particular one to any of the plurality of remembered IM users, automatically updating the first date in the entry corresponding to that remembered IM user to a current date and setting the current expiration status in the entry to indicate that the corresponding one of the remembered users is not yet expired (**col. 8, lines 1-48**); periodically evaluating the entries in the data structure to determine, for the IM client of the particular user, whether any of the plurality of remembered users should be treated as expired, further comprising, for each of the entries for which the current expiration status indicates that the corresponding one of the remembered users is not yet expired: adding the first time period from the entry to the first date from the entry, thereby computing an outbound/inbound inactivity comparison date (**col. 8, lines 1-48**); and setting the current expiration status in the entry to indicate that the corresponding one of the remembered users is to be treated as expired if the outbound/inbound inactivity comparison date is prior to the current date (**col. 8, lines 1-48**); and for each one of the plurality of remembered users for whom the current expiration status of the corresponding entry in the data structure

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indicates that that one of the remembered users is to be treated as expired, omitting this user when performing IM presence management functions of the IM system but not deleting this one of the remembered users from the plurality of users remembered by the IM system on behalf of the IM client (**col. 9, lines 17-34**).

As to claims 42 and 45, Hayes teaches the computer-implemented method according to claims 41 and 44, wherein: the first time period is selected by the particular user; and the first time period is different among at least two of the entries (**col. 7, lines 34-42, each contact has different settings**).

As to claims 43 and 46, Hayes teaches the computer-implemented method according to claims 41 and 44, further comprising enabling the particular user to specify that one of the plurality of remembered users will be immediately treated as expired and in response, automatically setting the current expiration status in the entry corresponding to that one of the remembered users to indicate that the corresponding one is to be treated as expired (**the messaging user sets the contact settings, therefore the can be set for immediate expiration**).

Allowable Subject Matter

Claims 1, 3, and 8 are allowable over the prior art.

The following is an examiner's statement of reasons for allowance: Though Hayes teaches a method of tracking the time period between contact between a particular user and a selected user as indicated in the preceding rejection, Hayes does not anticipate nor make obvious the concept of selecting a first occurring one of the outbound inactivity comparison date and the inbound inactivity comparison date; and setting the current expiration status in the entry to

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indicate that the corresponding one of the remembered users is to be treated as expired if the selected first-occurring one is prior to the current date. Hayes does not teach treating inbound and outbound messages separately but instead only broadly teaches any contact. None of the other prior art of record was found to teach or make obvious the claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Examiner, Art Unit 2142